

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ADJUSTACAM LLC

v.

AMAZON.COM, INC.; ET AL.

NO. 6:10-cv-329-LED

JURY

**JOINT MOTION FOR ENTRY OF PROPOSED DOCKET CONTROL ORDER
AND DISCOVERY ORDER**

NOW COME, Plaintiff, ADJUSTACAM, LLC and Defendants, AMAZON.COM, INC., AUDITEK CORPORATION, BALTIC LATVIAN UNIVERSAL ELECTRONICS, LLC D/B/A BLUE MICROPHONES, LLC D/B/A BLUE MICROPHONE, BEST BUY CO., INC., BEST BUY STORES, L.P., BESTBUY.COM, LLC, BLUE MICROPHONES, LLC, CDW CORPORATION, COMPUSA.COM, INC., CREATIVE LABS, INC., DELL INC., DIGITAL INNOVATIONS, LLC, FRY'S ELECTRONICS, INC., GEAR HEAD, LLC, HEWLETT-PACKARD COMPANY, J&R ELECTRONICS, INC., KMART CORPORATION, KOHL'S CORPORATION D/B/A KOHL'S, KOHL'S ILLINOIS, INC., LIFEWORKS TECHNOLOGY GROUP, LLC, MACALLY PERIPHERALS, INC. D/B/A MACALLY U.S.A., MACE GROUP, INC., MICROCENTER ELECTRONICS, INC., NEW COMPUSA CORPORATION, OFFICE DEPOT, INC., OVERSTOCK.COM, INC., RADIOSHACK CORPORATION, ROSEWILL INC., SAKAR INTERNATIONAL, INC., SEARS BRANDS, LLC., SEARS HOLDING CORPORATION D/B/A SEARS, SEARS, ROEBUCK AND COMPANY, SYSTEMAX, INC. D/B/A COMPUSA, TARGET CORP., TIGERDIRECT, INC. AND WAL-MART STORES, INC., in the above captioned action and move the Court as follows:

I.

Plaintiff and Defendants jointly request the Court to enter the proposed Docket Control Order and Discovery Order submitted herewith.

WHEREFORE, Plaintiff and Defendants respectfully request the foregoing relief, and such other relief to which they may be justly entitled.

May 9, 2011

By: /s/ Brian Craft

Brian Craft

State Bar No. 04972020

Eric H. Findlay

State Bar No. 00789886

FINDLAY CRAFT, LLP

6760 Old Jacksonville Highway, Suite 101

Tyler, TX 75703

Phone: (903) 534-1100

Fax: (903) 534-1137

Email: efindlay@findlaycraft.com

Email: bcraft@findlaycraft.com

James E. Geringer (admitted *pro hac vice*)

james.geringer@klarquist.com

Salumeh R. Loesch, OR State Bar No. 090074

salumeh.loesch@klarquist.com

KLARQUIST SPARKMAN, LLP

121 S.W. Salmon Street, Suite 1600

Portland, Oregon 97204

Telephone: (503) 595-5300

Facsimile: (503) 595-5301

ATTORNEYS FOR DEFENDANT

AMAZON.COM, INC.

By: Jen-Feng Lee (with permission)

Jen-Feng Lee, *Pro Hac Vice*

LT Pacific Law Group LLP

17800 Castleton Street, Suite 383

City of Industry, CA 91748

Tel: (626) 810-7200

Fax: (626) 810-7300

Respectfully submitted,

ADJUSTACAM LLC

By: /s/ John J. Edmonds

John J. Edmonds – LEAD COUNSEL

Texas Bar No. 789758

Michael J. Collins

Texas Bar No. 4614510

Henry M. Pogorzelski

Texas Bar No. 24007852

COLLINS, EDMONDS & POGORZELSKI, PLLC

1616 S. Voss Rd., Suite 125

Houston, Texas 77057

Telephone: (281) 501-3425

Facsimile: (832) 415-2535

jedmonds@cepiplaw.com

mcollins@cepiplaw.com

hpogorzelski@cepiplaw.com

Andrew W. Spangler

Texas Bar No. 24041960

Spangler Law P.C.

208 N. Green Street, Suite 300

Longview, Texas 75601

(903) 753-9300

(903) 553-0403 (fax)

spangler@spanglerlawpc.com

ATTORNEYS FOR PLAINTIFF

ADJUSTACAM LLC

By: /s/ John H. Barr, Jr.(with permission)

ATTORNEYS FOR DEFENDANT
AUDITEK CORPORATION

By: /s/ Michael E. Jones (with permission)

Michael E. Jones
Texas State Bar No. 10929400
Allen F. Gardner
Texas State Bar No. 24043679
110 N. College Ave.
Suite 500 Plaza Tower (75702)
P.O. Box 359
Tyler, Texas 75710
Telephone: 903.597.8311
Fax: 903.593.0846
Email: mikejones@potterminton.com
Email: allengardner@potterminton.com

Of Counsel :

Michael D. Harris, Cal. Bar No. 59,470
MHarris@socalip.com
Steven C. Sereboff, Cal. Bar No. 156,731
SSereboff@socalip.com
Kala Sarvaiya, Cal. Bar No. 238,453
KSarvaiya@socalip.com
SOCAL IP LAW GROUP LLP
310 N. Westlake Blvd., Suite 120
Westlake Village, CA 91362-3788
Phone: (805) 230-1350 • Fax: (805) 230-1355

ATTORNEYS FOR DEFENDANT
BLUE MICROPHONES, LLC

By: /s/ Michael E. Jones (with permission)

Michael E. Jones
Texas State Bar No. 10929400
Allen F. Gardner
Texas State Bar No. 24043679
110 N. College Ave.
Suite 500 Plaza Tower (75702)
P.O. Box 359
Tyler, Texas 75710
Telephone: 903.597.8311
Fax: 903.593.0846
Email: mikejones@potterminton.com

John H. Barr, Jr.
Attorney-in-Charge
State Bar No. 00783605
711 Louisiana, Suite 2300
Houston, Texas 77002
(713) 223-2300 - Telephone
(713) 221-1212 – Facsimile

Of counsel:
Christopher A. Shield
State Bar No. 24046833
John A. Yates
State Bar No. 24056569
Bracewell & Giuliani LLP
711 Louisiana, Suite 2300
Houston, Texas 77002
(713) 223-2300 - Telephone
(713) 221-1212 – Facsimile

ATTORNEY FOR DEFENDANT
OVERSTOCK.COM, INC.

By: /s/ Michael C. Smith (with permission)

Michael C. Smith
Siebman, Burg, Phillips & Smith, LLP
113 East Austin Street
P.O. Box 1556
Marshall, Texas 75671-1556
(903) 938-8900 (office)
(972) 767-4620 (fax)
michaelsmith@siebman.com

113 East Austin Street
P.O. Box 1556
Marshall, Texas 75671-1556
(903) 938-8900 (office)
(972) 767-4620 (fax)
michaelsmith@siebman.com

OF COUNSEL:
R. David Donoghue
HOLLAND & KNIGHT LLP
131 South Dearborn Street, 30th floor
Chicago, IL 60603
Tel: (312) 263-3600
Fax: (312) 578-6666

Email: allengardner@potterminton.com

Of Counsel :

Michael D. Harris, Cal. Bar No. 59,470
MHarris@socalip.com
Steven C. Sereboff, Cal. Bar No. 156,731
SSereboff@socalip.com
Kala Sarvaiya, Cal. Bar No. 238,453
KSarvaiya@socalip.com
SOCAL IP LAW GROUP LLP
310 N. Westlake Blvd., Suite 120
Westlake Village, CA 91362-3788
Phone: (805) 230-1350 • Fax: (805) 230-1355

ATTORNEYS FOR DEFENDANT BALTIC
LATVIAN UNIVERSAL ELECTRONICS,
LLC D/B/A BLUE MICROPHONES, LLC
D/B/A BLUE MICROPHONE

By: /s/ Brian Craft

Brian Craft
State Bar No. 04972020
Eric H. Findlay
State Bar No. 00789886
FINDLAY CRAFT, LLP
6760 Old Jacksonville Highway, Suite 101
Tyler, TX 75703
Phone: (903) 534-1100
Fax: (903) 534-1137
Email: efindlay@findlaycraft.com
Email: bcraft@findlaycraft.com

Thomas L. Duston
tduston@marshallip.com
Anthony S. Gabrielson
agabrielson@marshallip.com
Benjamin T. Horton
bhorton@marshallip.com
Marshall, Gerstein & Borun LLP
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6357
(312) 474-6300

ATTORNEYS FOR DEFENDANT CDW

david.donoghue@hklaw.com
Peter Sanborn
HOLLAND & KNIGHT LLP
10 St. James Ave.
Boston, MA 02116
Tel: (617) 523-2700
Fax: (617) 523-6850
peter.sanborn@hklaw.com

ATTORNEYS FOR RADIOSHACK
CORPORATION

By: /s/Christopher J. Cuneo (with permission)
Christopher J. Cuneo (admitted *pro hac vice*)
Zarian Midgley & Johnson PLLC
960 Broadway, Suite 250
Boise, Idaho 83706
(208) 562-4900 Telephone
(208) 562-4901 Facsimile
E-mail: cuneo@zmjlaw.com

ATTORNEYS FOR DEFENDANT
ROSEWILL INC.

By: /s/ John H. Barr, Jr. (with permission)
John H. Barr, Jr.
Attorney-in-Charge
State Bar No. 00783605
711 Louisiana, Suite 2300
Houston, Texas 77002
(713) 223-2300 - Telephone
(713) 221-1212 – Facsimile

Of counsel:
Christopher A. Shield
State Bar No. 24046833
John A. Yates
State Bar No. 24056569
Bracewell & Giuliani LLP
711 Louisiana, Suite 2300
Houston, Texas 77002
(713) 223-2300 - Telephone
(713) 221-1212 – Facsimile

ATTORNEY FOR DEFENDANTS
SEARS BRANDS, LLC., SEARS HOLDING

CORPORATION

By: /s/ David W. Denenberg (with permission)
David W. Denenberg
DD9951 (admitted in E.D. Texas *pro hac vice*)
200 Garden City Plaza
Garden City, New York 11530
(516) 247-4440 (Telephone)
(516) 248-6422 (Facsimile)
dwd@dmlegal.com

ATTORNEYS FOR DEFENDANT
COMPUSA.COM, INC.

By: /s/ Steven R. Daniels (with permission)
Bryan Farney
Steve Daniels
Bryan Atkinson
Farney Daniels LLP
800 S. Austin Ave., Suite 200
Georgetown, TX 78626
Main number: 512-582-2828
BFarney@farneydaniels.com
SDaniels@farneydaniels.com
BAtkinson@farneydaniels.com

ATTORNEYS FOR DEFENDANT
CREATIVE LABS, INC.

By: /s/ Roger Fulghum (with permission)
Scott F. Partridge
Lead Attorney
Texas State Bar No. 00786940
Roger Fulghum
Texas State Bar No. 00790724
BAKER BOTTS L.L.P.
One Shell Plaza
910 Louisiana Street
Houston, Texas 77002-4995
Telephone: (713) 229-1569
Facsimile: (713) 229-7769
E-mail: scott.partridge@bakerbotts.com
E-mail: roger.fulghum@bakerbotts.com

Paula D. Heyman

CORPORATION D/B/A SEARS, AND
SEARS, ROEBUCK AND COMPANY

By: /s/ Ezra Sutton (with permission)
Ezra Sutton
Ezra Sutton & Associates PA
900 Route 9 North
Woodbridge, NJ 07095
732-634-3520
Fax: 732-634-3511
Email: esutton@ezrasutton.com

ATTORNEY FOR DEFENDANT
SAKAR INTERNATIONAL, INC.

By: /s/ David W. Denenberg (with permission)
David W. Denenberg
DD9951 (admitted in E.D. Texas *pro hac vice*)
200 Garden City Plaza
Garden City, New York 11530
(516) 247-4440 (Telephone)
(516) 248-6422 (Facsimile)
dwd@dmlegal.com

ATTORNEYS FOR DEFENDANT
SYSTEMAX, INC. D/B/A COMPUSA

By: /s/ Michael C. Smith (with permission)
Michael C. Smith
Siebman, Burg, Phillips & Smith, LLP
113 East Austin Street
P.O. Box 1556
Marshall, Texas 75671-1556
(903) 938-8900 (office)
(972) 767-4620 (fax)
michaelsmith@siebman.com

OF COUNSEL:
R. David Donoghue
HOLLAND & KNIGHT LLP
131 South Dearborn Street, 30th floor
Chicago, IL 60603
Tel: (312) 263-3600
Fax: (312) 578-6666
david.donoghue@hklaw.com
Peter Sanborn

Texas State Bar No. 24027075
BAKER BOTTS L.L.P.
98 San Jacinto Boulevard
Suite 1500
Austin, Texas 78701-4078
Telephone: (512) 322-2555
Facsimile: (512) 322-3610
E-mail: paula.heyman@bakerbotts.com

ATTORNEYS FOR DEFENDANT DELL
INC.

By: /s/ Phillip B. Philbin (with permission)
Phillip B. Philbin
phillip.philbin@haynesboone.com
Texas State Bar No. 15909020
HAYNES AND BOONE, L.L.P.
2323 Victory Avenue, Suite 700
Dallas, Texas 75219
Tel: 214-651-5000
Fax: 214-651-5940

ATTORNEYS FOR DEFENDANT DIGITAL
INNOVATIONS, LLC

By: /s/ Brian Craft
Brian Craft
State Bar No. 04972020
Eric H. Findlay
State Bar No. 00789886
FINDLAY CRAFT, LLP
6760 Old Jacksonville Highway, Suite 101
Tyler, TX 75703
Phone: (903) 534-1100
Fax: (903) 534-1137
Email: efindlay@findlaycraft.com
Email: bcraft@findlaycraft.com

Bryan Farney
Steve Daniels
Bryan Atkinson
Farney Daniels LLP
800 S. Austin Ave., Suite 200
Georgetown, TX 78626
Main number: 512-582-2828
BFarney@farneydaniels.com

HOLLAND & KNIGHT LLP
10 St. James Ave.
Boston, MA 02116
Tel: (617) 523-2700
Fax: (617) 523-6850
peter.sanborn@hklaw.com

ATTORNEYS FOR DEFENDANT TARGET
CORP.

By: /s/ David W. Denenberg (with permission)
David W. Denenberg
DD9951 (admitted in E.D. Texas *pro hac vice*)
200 Garden City Plaza
Garden City, New York 11530
(516) 247-4440 (Telephone)
(516) 248-6422 (Facsimile)
dwd@dmlegal.com

ATTORNEYS FOR DEFENDANT
TIGERDIRECT, INC.

By: /s/ Victor de Gyarfas (with permission)
Victor de Gyarfas
Attorney-in-Charge
(Texas Bar No. 24071250)
e-mail: vdegyarfas@foley.com
FOLEY & LARDNER LLP
555 South Flower Street, Suite 3500
Los Angeles, CA 90071-2411
213.972.4500
213.486.0065

ATTORNEY FOR DEFENDANT
WAL-MART STORES, INC.

By: /s/ Bryan Atkinson (with permission)
Bryan Farney
Steve Daniels
Bryan Atkinson
Farney Daniels LLP
800 S. Austin Ave., Suite 200
Georgetown, TX 78626
Main number: 512-582-2828
BFarney@farneydaniels.com

SDaniels@farneydaniels.com
BAtkinson@farneydaniels.com

ATTORNEYS FOR DEFENDANTS
HEWLETT-PACKARD
COMPANY, FRY'S
ELECTRONICS, INC.,
MICROCENTER ELECTRONICS,
INC., AND OFFICE DEPOT, INC.

By: /s/ Herbert J. Hammond (with permission)
Herbert J. Hammond
Attorney-In-Charge
State Bar No. 08858500
Vishal Patel
State Bar No. 24065885
THOMPSON & KNIGHT LLP
One Arts Plaza
1722 Routh St., Suite 1500
Dallas, Texas 75201
(214) 969-1700
(214) 969-1751 (Fax)

Patricia L. Davidson
MIRICK, O'CONNELL, DEMALLIE
& LOUGEE,
LLP
100 Front Street
Worcester, Massachusetts 01608-1477
(508) 860-1540
(508) 983-6240 (Fax)

ATTORNEYS FOR DEFENDANT
GEAR HEAD, LLC

By: /s/ John H. Barr, Jr. (with permission)
John H. Barr, Jr.
Attorney-in-Charge
State Bar No. 00783605
711 Louisiana, Suite 2300
Houston, Texas 77002
(713) 223-2300 - Telephone
(713) 221-1212 - Facsimile

Of counsel:

SDaniels@farneydaniels.com
BAtkinson@farneydaniels.com

ATTORNEYS FOR DEFENDANTS
BEST BUY CO., INC., BEST BUY
STORES, L.P. AND BESTBUY.COM,
LLC

By: /s/ Michael E. Jones (with permission)
Michael E. Jones
State Bar No. 10929400
mikejones@potterminton.com
Allen F. Gardner
State Bar No. 24043679
allengardner@potterminton.com
POTTER MINTON
A Professional Corporation
110 N. College Ave., Suite 500
Tyler, Texas 75702
Tel: (903) 597 8311
Fax: (903) 593 0846

ATTORNEYS FOR DEFENDANT
J&R ELECTRONICS, INC.

By: /s/ Ezra Sutton (with permission)
Ezra Sutton
Ezra Sutton & Associates PA
900 Route 9 North
Woodbridge, NJ 07095
732-634-3520
Fax: 732-634-3511
Email: esutton@ezrasutton.com

ATTORNEY FOR DEFENDANT
KOHLS CORPORATION D/B/A KOHL'S
AND KOHL'S ILLINOIS, INC.

By: /s/ Peter M. Lukevich (with permission)
Attorney at Law
APEX JURIS, PLLC
12733 Lake City Way NE
peter@apexjuris.com
Seattle, WA 98125

Christopher A. Shield
State Bar No. 24046833
John A. Yates
State Bar No. 24056569
Bracewell & Giuliani LLP
711 Louisiana, Suite 2300
Houston, Texas 77002
(713) 223-2300 - Telephone
(713) 221-1212 – Facsimile

ATTORNEY FOR DEFENDANT
KMART CORPORATION

By: /s/ Thomas Carulli (with permission)
Thomas G. Carulli
Kaplan, Massamillo & Andrews, LLC
70 East 55th Street, 25th Floor
New York, NY 10022
Tel: (212) 991-5916
Fax: (212) 922-0530
Email: tcarulli@kmalawfirm.com

Collin Maloney
State Bar No. 00794219
Ireland, Carroll & Kelley, P.C.
6101 S. Broadway, Suite 500
Tyler, Texas 75703
Tel: (903) 561-1600
Fax: (903) 581-1071
Email: fedserv@icklaw.com

ATTORNEY FOR DEFENDANT
LIFEWORCS TECHNOLOGY GROUP, LLC

Telephone: (206) 664.0314
Facsimile: (206) 664.0329

ATTORNEY FOR DEFENDANT
MACALLY PERIPHERALS, INC.
D/B/A MACALLY U.S.A.

By: /s/ Peter M. Lukevich (with permission)
Attorney at Law
APEX JURIS, PLLC
12733 Lake City Way NE
peter@apexjuris.com
Seattle, WA 98125
Telephone: (206) 664.0314
Facsimile: (206) 664.0329

ATTORNEY FOR DEFENDANT MACE
GROUP, INC.

By: /s/ David W. Denenberg (with permission)
David W. Denenberg
DD9951 (admitted in E.D. Texas *pro hac vice*)
200 Garden City Plaza
Garden City, New York 11530
(516) 247-4440 (Telephone)
(516) 248-6422 (Facsimile)
dwd@dmlegal.com

ATTORNEYS FOR DEFENDANT
NEW COMPUSA CORPORATION

By: /s/ Christopher J. Cuneo (with permission)
Christopher J. Cuneo (admitted *pro hac vice*)
Zarian Midgley & Johnson PLLC
960 Broadway, Suite 250
Boise, Idaho 83706
(208) 562-4900 Telephone
(208) 562-4901 Facsimile
E-mail: cuneo@zmjlaw.com

ATTORNEYS FOR DEFENDANTS
NEWEGG INC. and NEWEGG.COM INC.

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

May 9, 2011

/s/ John J. Edmonds

John J. Edmonds